

PROPOSED AMENDMENT

SENATE AMENDMENTS TO H.B. 2116

(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 28-101, Arizona Revised Statutes, is amended to
3 read:

4 28-101. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Alcohol" means any substance containing any form of alcohol,
7 including ethanol, methanol, propynol and isopropynol.

8 2. "Alcohol concentration" if expressed as a percentage means either:

9 (a) The number of grams of alcohol per one hundred milliliters of
10 blood.

11 (b) The number of grams of alcohol per two hundred ten liters of
12 breath.

13 3. "All-terrain vehicle" means either of the following:

14 (a) A motor vehicle that satisfies all of the following:

15 (i) Is designed primarily for recreational nonhighway all-terrain
16 travel.

17 (ii) Is fifty or fewer inches in width.

18 (iii) Has an unladen weight of one thousand two hundred pounds or
19 less.

20 (iv) Travels on three or more nonhighway tires.

21 (v) Is operated on a public highway.

22 (b) A recreational off-highway vehicle that satisfies all of the
23 following:

24 (i) Is designed primarily for recreational nonhighway all-terrain
25 travel.

26 (ii) Is sixty-five or fewer inches in width.

1 (iii) Has an unladen weight of one thousand eight hundred pounds or
2 less.

3 (iv) Travels on four or more nonhighway tires.

4 4. "Authorized emergency vehicle" means any of the following:

5 (a) A fire department vehicle.

6 (b) A police vehicle.

7 (c) An ambulance or emergency vehicle of a municipal department or
8 public service corporation that is designated or authorized by the department
9 or a local authority.

10 (d) Any other ambulance, fire truck or rescue vehicle that is
11 authorized by the department in its sole discretion and that meets liability
12 insurance requirements prescribed by the department.

13 5. "Aviation fuel" means all flammable liquids composed of a mixture
14 of selected hydrocarbons expressly manufactured and blended for the purpose
15 of effectively and efficiently operating an internal combustion engine for
16 use in an aircraft but does not include fuel for jet or turbine powered
17 aircraft.

18 6. "Bicycle" means a device, including a racing wheelchair, that is
19 propelled by human power and on which a person may ride and that has either:

20 (a) Two tandem wheels, either of which is more than sixteen inches in
21 diameter.

22 (b) Three wheels in contact with the ground, any of which is more than
23 sixteen inches in diameter.

24 7. "Board" means the transportation board.

25 8. "Bus" means a motor vehicle designed for carrying sixteen or more
26 passengers, including the driver.

27 9. "Business district" means the territory contiguous to and including
28 a highway if there are buildings in use for business or industrial purposes
29 within any six hundred feet along the highway, including hotels, banks or
30 office buildings, railroad stations and public buildings that occupy at least
31 three hundred feet of frontage on one side or three hundred feet collectively
32 on both sides of the highway.

1 10. "Combination of vehicles" means a truck or truck tractor and
2 semitrailer and any trailer that it tows but does not include a forklift
3 designed for the purpose of loading or unloading the truck, trailer or
4 semitrailer.

5 11. "Controlled substance" means a substance so classified under
6 section 102(6) of the controlled substances act (21 United States Code
7 section 802(6)) and includes all substances listed in schedules I through V
8 of 21 Code of Federal Regulations part 1308.

9 12. "Conviction" means:

10 (a) An unvacated adjudication of guilt or a determination that a
11 person violated or failed to comply with the law in a court of original
12 jurisdiction or by an authorized administrative tribunal.

13 (b) An unvacated forfeiture of bail or collateral deposited to secure
14 the person's appearance in court.

15 (c) A plea of guilty or no contest accepted by the court.

16 (d) The payment of a fine or court costs.

17 13. "County highway" means a public road constructed and maintained by
18 a county.

19 14. "Dealer" means a person who is engaged in the business of buying,
20 selling or exchanging motor vehicles, trailers or semitrailers and who has an
21 established place of business.

22 15. "Department" means the department of transportation acting directly
23 or through its duly authorized officers and agents.

24 16. "Director" means the director of the department of transportation.

25 17. "Drive" means to operate or be in actual physical control of a
26 motor vehicle.

27 18. "Driver" means a person who drives or is in actual physical control
28 of a vehicle.

29 19. "Driver license" means a license that is issued by a state to an
30 individual and that authorizes the individual to drive a motor vehicle.

31 20. "Electric personal assistive mobility device" means a
32 self-balancing two nontandem wheeled device with an electric propulsion

1 system that limits the maximum speed of the device to fifteen miles per hour
2 or less and that is designed to transport only one person.

3 21. "Farm" means any lands primarily used for agriculture production.

4 22. "Farm tractor" means a motor vehicle designed and used primarily as
5 a farm implement for drawing implements of husbandry.

6 23. "Foreign vehicle" means a motor vehicle, trailer or semitrailer
7 that is brought into this state other than in the ordinary course of business
8 by or through a manufacturer or dealer and that has not been registered in
9 this state.

10 24. "Golf cart" means a motor vehicle that has not less than three
11 wheels in contact with the ground, that has an unladen weight of less than
12 one thousand eight hundred pounds, that is designed to be and is operated at
13 not more than twenty-five miles per hour and that is designed to carry not
14 more than four persons including the driver.

15 25. "Hazardous material" means a material, and its mixtures or
16 solutions, that the United States department of transportation determines
17 under 49 Code of Federal Regulations is, or any quantity of a material listed
18 as a select agent or toxin under 42 Code of Federal Regulations part 73 that
19 is, capable of posing an unreasonable risk to health, safety and property if
20 transported in commerce and that is required to be placarded or marked as
21 required by the department's safety rules prescribed pursuant to chapter 14
22 of this title.

23 26. "Implement of husbandry" means a vehicle designed primarily for
24 agricultural purposes and used exclusively in the conduct of agricultural
25 operations, including an implement or vehicle whether self-propelled or
26 otherwise that meets both of the following conditions:

27 (a) Is used solely for agricultural purposes including the preparation
28 or harvesting of cotton, alfalfa, grains and other farm crops.

29 (b) Is only incidentally operated or moved on a highway whether as a
30 trailer or self-propelled unit. For the purposes of this subdivision,
31 "incidentally operated or moved on a highway" means travel between a farm and

1 another part of the same farm, from one farm to another farm or between a
2 farm and a place of repair, supply or storage.

3 27. "Limousine" means a motor vehicle providing prearranged ground
4 transportation service for an individual passenger, or a group of passengers,
5 that is arranged in advance or is operated on a regular route or between
6 specified points and includes ground transportation under a contract or
7 agreement for services that includes a fixed rate or time and is provided in
8 a motor vehicle with a seating capacity not exceeding fifteen passengers
9 including the driver.

10 28. "Livery vehicle" means a motor vehicle that:

11 (a) Has a seating capacity not exceeding fifteen passengers including
12 the driver.

13 (b) Provides passenger services for a fare determined by a flat rate
14 or flat hourly rate between geographic zones or within a geographic area.

15 (c) Is available for hire on an exclusive or shared ride basis.

16 (d) May do any of the following:

17 (i) Operate on a regular route or between specified places.

18 (ii) Offer prearranged ground transportation service as defined in
19 section 28-141.

20 (iii) Offer on demand ground transportation service pursuant to a
21 contract with a public airport, licensed business entity or organization.

22 29. "Local authority" means any county, municipal or other local board
23 or body exercising jurisdiction over highways under the constitution and laws
24 of this state.

25 30. "Manufacturer" means a person engaged in the business of
26 manufacturing motor vehicles, trailers or semitrailers.

27 31. "Moped" means a bicycle that is equipped with a helper motor if the
28 vehicle has a maximum piston displacement of fifty cubic centimeters or less,
29 a brake horsepower of one and one-half or less and a maximum speed of
30 twenty-five miles per hour or less on a flat surface with less than a one ~~per~~
31 ~~cent~~ PERCENT grade.

1 32. "Motor driven cycle" means a motorcycle, including every motor
2 scooter, with a motor that produces not more than five horsepower.

3 33. "Motor vehicle":

4 (a) Means either:

5 (i) A self-propelled vehicle.

6 (ii) For the purposes of the laws relating to the imposition of a tax
7 on motor vehicle fuel, a vehicle that is operated on the highways of this
8 state and that is propelled by the use of motor vehicle fuel.

9 (b) Does not include a motorized wheelchair, an electric personal
10 assistive mobility device or a motorized skateboard. For the purposes of
11 this subdivision:

12 (i) "Motorized skateboard" means a self-propelled device that has a
13 motor, a deck on which a person may ride and at least two tandem wheels in
14 contact with the ground.

15 (ii) "Motorized wheelchair" means a self-propelled wheelchair that is
16 used by a person for mobility.

17 34. "Motor vehicle fuel" includes all products that are commonly or
18 commercially known or sold as gasoline, including casinghead gasoline,
19 natural gasoline and all flammable liquids, and that are composed of a
20 mixture of selected hydrocarbons expressly manufactured and blended for the
21 purpose of effectively and efficiently operating internal combustion engines.
22 Motor vehicle fuel does not include inflammable liquids that are specifically
23 manufactured for racing motor vehicles and that are distributed for and used
24 by racing motor vehicles at a racetrack, use fuel as defined in section
25 28-5601, aviation fuel, fuel for jet or turbine powered aircraft or the
26 mixture created at the interface of two different substances being
27 transported through a pipeline, commonly known as transmix.

28 35. "Motorcycle" means a motor vehicle that has a seat or saddle for
29 the use of the rider and that is designed to travel on not more than three
30 wheels in contact with the ground but excluding a tractor and a moped.

31 36. "MOTORIZED QUADRICYCLE" MEANS A SELF-PROPELLED MOTOR VEHICLE TO
32 WHICH ALL OF THE FOLLOWING APPLY:

1 (a) THE VEHICLE IS SELF-PROPELLED BY AN EMISSION-FREE ELECTRIC MOTOR
2 AND MAY INCLUDE PEDALS OPERATED BY THE PASSENGERS.

3 (b) THE VEHICLE HAS AT LEAST FOUR WHEELS IN CONTACT WITH THE GROUND.

4 (c) THE VEHICLE SEATS AT LEAST EIGHT PASSENGERS, INCLUDING THE DRIVER.

5 (d) THE VEHICLE IS OPERABLE ON A FLAT SURFACE USING SOLELY THE
6 ELECTRIC MOTOR WITHOUT ASSISTANCE FROM THE PEDALS OR PASSENGERS.

7 (e) THE VEHICLE IS A COMMERCIAL MOTOR VEHICLE AS DEFINED IN SECTION
8 28-5201.

9 (f) THE VEHICLE IS LICENSED BY THE DEPARTMENT OF WEIGHTS AND MEASURES
10 TO OPERATE AS A LIMOUSINE PURSUANT TO SECTION 41-2091.

11 (g) THE VEHICLE IS MANUFACTURED BY A MOTOR VEHICLE MANUFACTURER THAT
12 IS LICENSED PURSUANT TO CHAPTER 10 OF THIS TITLE.

13 (h) THE VEHICLE COMPLIES WITH THE DEFINITION AND STANDARDS FOR
14 LOW-SPEED VEHICLES SET FORTH IN FEDERAL MOTOR VEHICLE SAFETY STANDARD 500 AND
15 49 CODE OF FEDERAL REGULATIONS SECTION 571.3(b) AND 571.500, RESPECTIVELY.

16 ~~36.~~ 37. "Neighborhood electric vehicle" means a self-propelled
17 electrically powered motor vehicle to which all of the following apply:

18 (a) The vehicle is emission free.

19 (b) The vehicle has at least four wheels in contact with the ground.

20 (c) The vehicle complies with the definition and standards for
21 low-speed vehicles set forth in federal motor vehicle safety standard 500 and
22 49 Code of Federal Regulations sections 571.3(b) and 571.500, respectively.

23 ~~37.~~ 38. "Nonresident" means a person who is not a resident of this
24 state as defined in section 28-2001.

25 ~~38.~~ 39. "Off-road recreational motor vehicle" means a motor vehicle
26 that is designed primarily for recreational nonhighway all-terrain travel and
27 that is not operated on a public highway. Off-road recreational motor
28 vehicle does not mean a motor vehicle used for construction, building trade,
29 mining or agricultural purposes.

30 ~~39.~~ 40. "Operator" means a person who drives a motor vehicle on a
31 highway, who is in actual physical control of a motor vehicle on a highway or

1 who is exercising control over or steering a vehicle being towed by a motor
2 vehicle.

3 ~~40.~~ 41. "Owner" means:

4 (a) A person who holds the legal title of a vehicle.

5 (b) If a vehicle is the subject of an agreement for the conditional
6 sale or lease with the right of purchase on performance of the conditions
7 stated in the agreement and with an immediate right of possession vested in
8 the conditional vendee or lessee, the conditional vendee or lessee.

9 (c) If a mortgagor of a vehicle is entitled to possession of the
10 vehicle, the mortgagor.

11 ~~41.~~ 42. "Pedestrian" means any person afoot. A person who uses an
12 electric personal assistive mobility device or a manual or motorized
13 wheelchair is considered a pedestrian unless the manual wheelchair qualifies
14 as a bicycle. For the purposes of this paragraph, "motorized wheelchair"
15 means a self-propelled wheelchair that is used by a person for mobility.

16 ~~42.~~ 43. "Power sweeper" means an implement, with or without motive
17 power, that is only incidentally operated or moved on a street or highway and
18 that is designed for the removal of debris, dirt, gravel, litter or sand
19 whether by broom, vacuum or regenerative air system from asphaltic concrete
20 or cement concrete surfaces, including parking lots, highways, streets and
21 warehouses, and a vehicle on which the implement is permanently mounted.

22 ~~43.~~ 44. "Public transit" means the transportation of passengers on
23 scheduled routes by means of a conveyance on an individual passenger
24 fare-paying basis excluding transportation by a sight-seeing bus, school bus
25 or taxi or a vehicle not operated on a scheduled route basis.

26 ~~44.~~ 45. "Reconstructed vehicle" means a vehicle that has been
27 assembled or constructed largely by means of essential parts, new or used,
28 derived from vehicles or makes of vehicles of various names, models and types
29 or that, if originally otherwise constructed, has been materially altered by
30 the removal of essential parts or by the addition or substitution of
31 essential parts, new or used, derived from other vehicles or makes of
32 vehicles. For the purposes of this paragraph, "essential parts" means

1 integral and body parts, the removal, alteration or substitution of which
2 will tend to conceal the identity or substantially alter the appearance of
3 the vehicle.

4 ~~45.~~ 46. "Residence district" means the territory contiguous to and
5 including a highway not comprising a business district if the property on the
6 highway for a distance of three hundred feet or more is in the main improved
7 with residences or residences and buildings in use for business.

8 ~~46.~~ 47. "Right-of-way" when used within the context of the regulation
9 of the movement of traffic on a highway means the privilege of the immediate
10 use of the highway. Right-of-way when used within the context of the real
11 property on which transportation facilities and appurtenances to the
12 facilities are constructed or maintained means the lands or interest in lands
13 within the right-of-way boundaries.

14 ~~47.~~ 48. "School bus" means a motor vehicle that is designed for
15 carrying more than ten passengers and that is either:

16 (a) Owned by any public or governmental agency or other institution
17 and operated for the transportation of children to or from home or school on
18 a regularly scheduled basis.

19 (b) Privately owned and operated for compensation for the
20 transportation of children to or from home or school on a regularly scheduled
21 basis.

22 ~~48.~~ 49. "Semitrailer" means a vehicle that is with or without motive
23 power, other than a pole trailer, that is designed for carrying persons or
24 property and for being drawn by a motor vehicle and that is constructed so
25 that some part of its weight and that of its load rests on or is carried by
26 another vehicle. For the purposes of this paragraph, "pole trailer" has the
27 same meaning prescribed in section 28-601.

28 ~~49.~~ 50. "State" means a state of the United States and the District of
29 Columbia.

30 ~~50.~~ 51. "State highway" means a state route or portion of a state
31 route that is accepted and designated by the board as a state highway and
32 that is maintained by the state.

1 ~~51.~~ 52. "State route" means a right-of-way whether actually used as a
2 highway or not that is designated by the board as a location for the
3 construction of a state highway.

4 ~~52.~~ 53. "Street" or "highway" means the entire width between the
5 boundary lines of every way if a part of the way is open to the use of the
6 public for purposes of vehicular travel.

7 ~~53.~~ 54. "Taxi" means a motor vehicle that has a seating capacity not
8 exceeding fifteen passengers, including the driver, that is registered as a
9 taxi in this state or any other state, that provides passenger services and
10 that:

11 (a) Does not primarily operate on a regular route or between specified
12 places.

13 (b) Offers local transportation for a fare determined on the basis of
14 the distance traveled or prearranged ground transportation service as defined
15 in section 28-141 for a predetermined fare.

16 ~~54.~~ 55. "Traffic survival school" means a school that offers
17 educational sessions to drivers who are required to attend and successfully
18 complete educational sessions pursuant to this title that are designed to
19 improve the safety and habits of drivers and that are approved by the
20 department.

21 ~~55.~~ 56. "Trailer" means a vehicle that is with or without motive
22 power, other than a pole trailer, that is designed for carrying persons or
23 property and for being drawn by a motor vehicle and that is constructed so
24 that no part of its weight rests on the towing vehicle. A semitrailer
25 equipped with an auxiliary front axle commonly known as a dolly is deemed to
26 be a trailer. For the purposes of this paragraph, "pole trailer" has the
27 same meaning prescribed in section 28-601.

28 ~~56.~~ 57. "Truck" means a motor vehicle designed or used primarily for
29 the carrying of property other than the effects of the driver or passengers
30 and includes a motor vehicle to which has been added a box, a platform or
31 other equipment for such carrying.

1 A. A person shall apply to the department for registration of a motor
2 vehicle, trailer or semitrailer on forms prescribed or authorized by the
3 department.

4 B. The application shall contain:

5 1. The name and complete residence address of the owner.

6 2. A description of the vehicle, including the serial number.

7 3. If it is a new vehicle, the date of sale by the manufacturer or
8 dealer to the person first operating the vehicle.

9 4. If the owner of the vehicle rents or intends to rent the vehicle
10 without a driver, a statement of that fact.

11 5. Other facts required by the department.

12 C. The registering officer shall indicate on the face of the
13 registration application that the registrant may be subject to vehicle
14 emissions testing requirements pursuant to section 49-542.

15 D. On request of an applicant, the department shall allow the
16 applicant to provide on the registration of a motor vehicle, trailer or
17 semitrailer a post office box address that is regularly used by the applicant
18 and that is located in the county in which the applicant resides.

19 E. The person shall include with the application the required fees and
20 the certificate of title to the vehicle for which registration is sought.
21 The registering officer may waive the requirement that the applicant present
22 a certificate of title at the time of making an application for renewal if
23 the registering officer has available complete and sufficient records to
24 accurately compute the vehicle license tax.

25 F. The department may request an applicant who appears in person to
26 register a motor vehicle, trailer or semitrailer to ~~complete~~ satisfactorily
27 **COMPLETE** the vision screening test prescribed by the department.

28 G. A person applying for initial registration of a neighborhood
29 electric vehicle **OR A MOTORIZED QUADRICYCLE** shall certify in writing that a
30 notice of the operational restrictions applying to the vehicle as provided in

Senate Amendments to H.B. 2116

- 1 section 28-966 are contained on a permanent notice attached to or painted on
- 2 the vehicle in a location that is in clear view of the driver.”
- 3 Amend title to conform

JOHN KAVANAGH

3/12/15
11:30 AM
S: LL/jo